

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Szeto Sui Fong,)	
Petitioner)	
)	
V.)	Civil Action No. 04-40025-NMG
)	
United States of America,)	
Respondent)	

RESPONDENT'S MOTION FOR MORE TIME TO RESPOND TO
PETITIONER'S MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE

Now comes the Petitioner in the above-captioned matter and seeks additional time to respond to the Petitioner's Motion to Vacate, Set Aside or Correct Sentence. In support of this request, the United States avers as follows:

On April 1, 2004, the Court issued an Order directing the Respondent to file an answer or responsive pleading within 20 days of receipt of the Court's Order. The undersigned Assistant United States Attorney ("AUSA") did not receive a copy of the Court's Order until April 8, 2004. In addition, the AUSA who handled the original prosecution of the Petitioner is no longer with the United States Attorney's Office. In order to respond to the Petitioner's Motion, the undersigned AUSA must locate and review some of the documents in the original criminal case. Further, the undersigned AUSA will be on vacation from April 16, until April 26, 2004. Finally, the undersigned AUSA is scheduled to commence a trial before Judge Harrington on May 17, 2004.

Therefore, the United States requests that the Court grant an extension on the time for filing a response until June 23, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jeffrey Auerhahn
JEFFREY AUERHAHN
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Szeto Sui Fong
11 New Hampshire Avenue
Natick, MA 01760-2222

This 12th day of April, 2004.

/s/ Jeffrey Auerhahn
JEFFREY AUERHAHN
ASSISTANT UNITED STATES ATTORNEY